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In the Supreme Court of the United States

OCTOBER TERM 1973

No. 73-391

BEHRING PROPERTIES, INC., BEHRING CORPORATION, L. T. AHRENHOLZ and MARY L. AHRENHOLZ,

Petitioners,

vs.

SUN OIL COMPANY,

Respondent.

PETITION FOR REHEARING

PREDDY, HADDAD, KUTNER & HARDY
Fifth Floor Concord Building
66 West Flagler Street
Miami, Florida
-and-
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Counsel for Petitioners

MIAMI REVIEW — 371-4853 — 377-3721

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Petitioners respectfully move the Court to rehear this matter and reconsider the question of jurisdiction on the following grounds:

1. Respondent sued Petitioners AHRENHOLZ for specific performance of a contract to sell land.

2. Petitioners ARRENHOLZ answered—denied the allegations—and asserted affirmatively by counterclaim that Respondent willfully and intentionally breached the contract itself.

3. After a jury trial on the many factual issues, the jury returned a verdict for Petitioners on the Counterclaim in the amount of $7,500.00.

4. On abundant evidence the jury found that Respondent had willfully and intentionally breached the contract and that Petitioners had been damaged by such willful breach to the extent of $7,500.00.

5. For this case to be concluded with Respondent being rewarded for its adjudicated misconduct would be a miscarriage of justice and a clear deprivation of Petitioner's right to trial by jury and equal protection.

6. The record of the trial is heavy with evidence to support the verdict that Respondent itself intentionally breached the contract it seeks to enforce. A simple case based on facts has been obfuscated. Only recognition of the right to trial by jury can prevent injustice.

A reconsideration is urgently requested.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing Petition for Rehearing was mailed to HEIMAN AND CRARY, Attorneys for Respondent, Suite 550, Brickell Executive Tower, 1428 Brickell Avenue, Miami, Florida, this 27th day of November, 1973.

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& HARDY
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ROBERT ORSECK